

\pp\whatif
July 21, 1996

WHAT IF...

1. Neal Sheehan had trusted me...

Then he wouldn't have feared that the Times might be scooped by Congress or by another paper. He wouldn't have passed on this fear to the Times (on his first briefing). They might not have gone ahead with it--given the attitudes of the lawyers and some editors.

Suppose he had asked me not to give them to Congress, or to another paper: asked me for an exclusive. And trusted my commitment. (Would I have given the promise? Prior to assurance that the Times would use them, and print documents?

Did I stress the using of documents--as distinct from giving lots of space? I think so. My memory is that I too regarded the documents as giving the tone in a critical way, conveying authenticity, giving drama, being unprecedented. But above all as conveying the bureaucratic inanity, the lack of moral seriousness, the obliviousness...

2. ...I had given carte blanche to Neal from the first night, so he didn't have to "steal" them from me.

Would he and the Times have felt less ambivalent about whether I "gave" them to the Times, whether I was truly a "source" (obviously I was the "source"; as he admits, I made them "available"...)? Would they have acknowledged me, once I revealed myself?

(Actually, Rosenthal's anger at me reflected that revelation; it wouldn't have been any better if I had given them at first. Did he and the other editors actually know that twist at all? Did Neal spell out the details of his dealing with me, and his "theft"?)

3. ...the copy place to which Neal took the papers had called the FBI?

Why didn't they? What did they think they were doing? Did they know for sure it was the New York Times? Didn't they see Top Secret on some of the pages? Did they keep an extra copy for themselves?

Has anyone ever interviewed them? The FBI?

4. What if FBI simply went to the Times and demanded the papers, after the Times refused to hand them over? Would it have been hard for the FBI to get a court order, a subpoena? Was that considered

at Justice? Didn't Times fear that? Had they made provisions to keep a secret set? What was the discussion of this at Justice, the White House, and the Times? The Post?

5. Where was the copy that Neal made actually stored? Under what security conditions? If the Times had decided not to run the series, what would they have done about the leak?

Might they have told the FBI--as one or more lawyers thought they should? (Likewise, at Post. Likewise, at Arnold and Porter).

The people who thought this was the right thing to do: did they realize how often the Times got classified material? Do they think the NYT is always breaking the law when they receive it, and when they run it? What did they think the Times should do regularly when it got such information? And if not illegal: why was this different? (scale, obviously; but so what? There was always the point that Rosenthal made that this was a "historical study").

6. What if I had given the Times NSSM-1 and the Options from the beginning? And if they had printed these?

Not a "historical study." Would they have gone with anything? (Note their drawing back, in March 1968, from printing the cables I gave them. Ask Neal about this).

How would this have affected my chance of acquittal?

Why didn't I give them NSSM-1 from the start? (I'm not sure I had a copy; that may be the whole answer. I had given one to Mathias: or, had I done this already by the time I dealt with Neal? When, exactly?

And I had stored one with Fulbright, Norvil Jones (from whom I eventually got it, to give to Gravel).

Could it be that I hadn't kept a copy? (except perhaps for the files I had given to X, which got lost).

7. What if I had had documents on Duck Hoop and other planning documents from Nixon? Would I have bothered with the PP at all? (They would merely have shown a long historical pattern of such secret threats of escalation and double-dealing with the public).

There has still not been the release of a single document from Nixon Administration that demonstrates what I believe the Nixon-Kissinger secret plan to have been. But for that matter, there has been no or almost no release of any documents from the Nixon Administration. Nor any demand for them by the media or Congress. No hearings, ever.

I could have said from the beginning: The issue here is, What is Nixon's secret plan for Vietnam, his secret aims and his readiness to prolong or escalate the war in pursuit of them? Is he, in fact, as he implies, more ready than Johnson to quit the war short of what amounts to victory?

Or is he, as I believe--on the following evidence and testimony (suppose I had been willing to name or implicate Halperin and Vann--or call on Lake and Morris)--following the same aims, strategy and deception that is revealed in this historical study?

The Papers show unmistakably that four Presidents followed a strategy and aims that were different from what they told the public and Congress. There is every reason to assume that the current President is doing the same. What is Nixon's real plan? That is the responsibility of Congress and of the media to investigate, and of the public to demand that they do so.

Instead of pressing this, I went along with the slant, the spin, of the Times: that the Papers delegitimated the war, discredited the past pursuit of the war up till Nixon (by the lying and the revelation of actual prospects, costly and uncertain, throughout). This reduced public willingness to back further pursuit or further escalation (which was low anyway, as in Cambodia and Laos), and made it easier for Nixon to quit, if he had been willing (which he wasn't. Could he have--did he--ever consider changing his policy in light of the publication of the PP? Might he have done so if there had been more public pressure to do so? Did this not depend upon my and Congress pressing the very point above? (But I wasn't in any communication with the Times, or Congress, after the Papers appeared, to urge this? Nor, I am sorry to say, do I recall pressing this point with the press in my appearances.

Why did I wait till the Republican convention, in 1972, to publicize my view of the Nixon secret plan and aims? Why not hold a press conference immediately?! Call for hearings--at a time when "Congress could not have refused"? (I was in a position to make them "an offer they couldn't refuse." Including a willingness to testify myself without the Fifth Amendment...

(I didn't know then what Halperin told me later, about the secret moves of escalation in 1969. But I could have gone to him then; he knew it. How concerned was I not to implicate Vann and Halperin.

If I had told then what Halperin and Vann had already told me...would it really have affected Halperin's career? It would have, for Vann: that would have a) saved his life; b) ended the war in 1972, instead of 1975, averted the offensives of 1972 and 1975 (since the Highlands would have been lost!) (Oh dear: that is one point that contradicts the general theme of this note: "Everything was for the best, in the best of all possible worlds." (For Candide, did "possible" mean "imaginable"?

So: I have now arrived at something I could have differently, and perhaps better.

Why did I go with the Times' spin?

How receptive would they have been, if I had revealed directly to them my beliefs--which I couldn't prove--on Nixon's strategy, and my desire to change it? Would they then have shied away from the whole project, as an attempt to "manipulate" them and Nixon's policy?

Still: how was it that they and all the other newspapers missed making the "obvious" inference: Nixon may be--presumptively is--fooling us and Congress just the way that his four predecessors did? That is what I believed; surely I said it publicly (didn't I? As I did in Miami); I had unparalleled credibility and unparalled access to media and at that time!

How did I so fail to impress my real concerns and beliefs on the media and public (to this day!)?